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1 Adopt 2 Cal. Code Regs. section 18700.1 as follows:

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3 **§ 18700.1. ~~Using Official Position to Influence (18700)~~ Reasonable Diligence.**

4 (a) General Rule. For purposes of Government Code sections 87100 and 87103, if a
5 public official does not know whether a governmental decision of the official's agency is one in
6 which he or she has a financial interest, the public official must exercise reasonable diligence to
7 determine whether the governmental decision will have a reasonably foreseeable material
8 financial effect upon one or more of the official's economic interests. If a public official lacks
9 information sufficient to complete one or more steps of the conflict-of-interest analysis described
10 in 2 Cal. Code Regs. section 18700(b), then he or she shall undertake a factual inquiry of such
11 scope and effort as a reasonably prudent public official would undertake in similar
12 circumstances, and when facing the same or a similar decision, in order to acquire the necessary
13 information.

14 (b) Effect of Third Party Assistance. A public official's duty to comply with
15 Government Code sections 87100 and 87103 is non-delegable.

16 (c) For the purposes of this regulation, examples of an exercise of reasonable diligence
17 may include, but are not limited to, one or more of the following:

18 (1) Reviewing relevant publicly available material prepared by the public official's
19 agency in connection with the governmental decision at issue, together with any other
20 information provided to the public official by his or her agency;

21 (2) Undertaking the standard conflict-of-interest analysis described in 2 Cal. Code Regs.
22 Division 6, chapter 7, article 1, sections 18700 – 18709);

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(3) Reviewing any relevant publicly available materials prepared by the Fair Political Practices Commission; examples of such potentially relevant material include fact sheets, advice summaries, opinions and other library materials of the Fair Political Practices Commission, as well as its past written advice rendered under Government Code section 83114 and 2 Cal. Code Regs. Division 6, chapter 3, article 1, sections 18329 and 18329.5;

(4) Obtaining from the Fair Political Practices Commission an opinion or written advice under Government Code section 83114 and 2 Cal. Code Regs. Division 6, chapter 3, article 1, sections 18329 and 18329.5; and

(5) Reviewing any other relevant information in the possession of, or under the control of, the public official or members of the official's immediate family, or any representative or agent of the foregoing.

Comment: The publications described in subdivision (c)(3) of this regulation may be inspected and downloaded from the Fair Political Practices Commission's internet website at <http://www.fppc.ca.gov/index.html?id=9>.

NOTE: Authority: Section 83112, Government Code.

Reference: Sections 87100, 87103 and 87105, Government Code.

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